



BOYLE  
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STEIN & GRATZ<sup>SC</sup>

INTELLECTUAL PROPERTY LAW

020404  
06909 U.S. PTO

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31353 U.S. PTO  
10/773012  
020404

February 4, 2004

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Utility Patent Application Transmittal  
U.S. Patent Application Ser. No. (not assigned); filed February 4, 2004  
Inventors: Todd J. Lutz  
Title: *Portable Vibratory Screed with Vibration Restraint*  
Assignee: Wacker Corporation  
**Customer Account No.: 23598**  
Our Ref: 7.166

Dear Sir:

Enclosed in connection with the above-identified utility patent application are:

- the patent application, consisting of **12** pages of specification, **23** claims on **5** sheets, an Abstract, and **7** Drawings on **4** sheets;
- Fee Transmittal Form PTO/SB/17 (10/03);
- check in the amount of **\$824.00** in payment of the government filing fee for the patent application (\$770) by a **large** entity, including 3 claims in excess of 20 (\$54);
- a Request and Certification under 35 U.S.C. 122(b)(2)(B)(i);

**Documents to follow:**

- an executed Assignment from the inventor, Todd J. Lutz, to Wacker Corporation, and Recordation Form Cover Sheet, Form PTO 1595 (10/03);
- an Information Disclosure Statement (IDS) and Form PTO-1449.

**Deposit Account Authorization**

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Timothy E. Newholm  
Registration No. 34,400

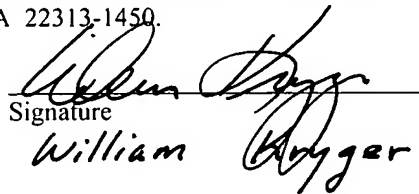
Enclosures

**Certification Under 37 CFR 1.10**

Express Mail Label No: **EV313040593US**

Date of Deposit: **February 4, 2004**

I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature  
William Byger

05909 U.S. PTO  
020404

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$824)

**Complete if Known**

Application Number	Unassigned
Filing Date	2/4/2004
First Named Inventor	Lutz
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	7.166

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit  
Account  
Number

50-1170

Deposit  
Account  
Name

Boyle Fredrickson Newholm Stein &amp; Gratz S.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$770)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent	Multiple Dependent	-20**=	-3**=	18	86	
23		3		18	86	54
						0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$54)

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$0)

**SUBMITTED BY**

Name (Print/Type) Timothy E. Newholm

Registration No.  
(Attorney/Agent)

34400

**Complete (if applicable)**

Telephone

414.225.9755

Signature

Date

February 4, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

{00053745.DOC /}

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Todd J. Lutz

Title: *Portable Vibratory Screed with Vibration Restraint*

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

I hereby certify that the invention disclosed in the attached *application has not and will not be* the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C 122(b).

Respectfully submitted,



Timothy E. Newholm  
Registration No. 34400

Dated: February 4, 2004

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Attorney Docket No.: 7.166